

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JONDELL L. WALLACE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:08CV398-DJS
)	
UNKNOWN SCHWREB, et al.,)	
)	
Defendants.)	

ORDER

Now before the Court is pro se plaintiffs Jondell Wallace and Amber Nicole Behnan's respective motions for appointment of counsel [Docs. #6, 7], and the plaintiffs' joint motion to compel [Doc. #8].

Plaintiffs' motions for appointment of counsel will be denied without prejudice subject to being reconsidered if no motion for summary judgment is timely filed, if a motion for summary judgment is filed and denied, or if other circumstances are deemed to warrant it.

With regard to plaintiffs' motion to compel discovery, the sum of plaintiffs' motion simply states:

Motion of Discovery (compel)
Conducts report for defendants mentioned in the
above civil action 3157 Sublette Dr. St. Louis MO
police station.

Doc. #8. The Local Rules of this district and the Federal Rules of Civil Procedure govern motions to compel discovery. Specifically, Local Rule 3.04(A) provides:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

E.D.Mo. L.R. 3.04(A); see also Fed.R.Civ.P. 37. The Court's Local Rules and the Federal Rules of Civil Procedure apply to pro se parties as well as to parties represented by counsel. See Am. Inmate Paralegal Ass'n v. Cline, 859 F.2d 59, 61 (8th Cir. 1988) (stating that pro se litigants are not excused from complying with court orders or substantive and procedural law).

Plaintiffs' motion to compel does not contain a statement that plaintiffs have made good faith efforts to resolve the parties' differences concerning their discovery requests. Accordingly, plaintiffs' motion to compel will be denied without prejudice for failure to comply with E.D.Mo. L.R. 3.04(A). Any future motions to compel must comply with E.D.Mo. L.R. 3.04(A), and must be particularly stated. That is, for each request plaintiffs want compelled, they must specifically indicate the request,

provide defendants' response, and precisely demonstrate why defendants' response is deficient.

IT IS HEREBY ORDERED that plaintiff Jondell Wallace's motion for appointment of counsel [Doc. #6] is denied without prejudice subject to being reconsidered if no motion for summary judgment is timely filed, if a motion for summary judgment is filed and denied, or if other circumstances are deemed to warrant it.

IT IS FURTHER ORDERED that plaintiff Amber Nicole Behnan's motion for appointment of counsel [Doc. #7] is denied without prejudice subject to being reconsidered if no motion for summary judgment is timely filed, if a motion for summary judgment is filed and denied, or if other circumstances are deemed to warrant it.

IT IS FURTHER ORDERED that plaintiffs' joint motion to compel [Doc. #8] is denied without prejudice.

Dated this 26th day of August, 2008.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE